

AUTO CR - LOG SUMMARY #1052279

TYPE: INFO

Incident Finding / Overall Case Finding

Description of Incident	Finding	Entered By	Entered Date
	(None Entered)		

Reporting Party Information

Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
NON-CPD Reporting Party Victim						F			

Incident Information

Incident From Date/Time	Address of Incident	Beat	Dist. Of Occurrence	Location Code	Location Description
12-FEB-2010 02:31 - 12-FEB-2010 02:31		1533	015	090 - APARTMENT	

Accused Members

Role	Name	Star No.	Emp No.	UOA / UOD	Position	Status	Initial / Intake Allegation
CPD Employee	O TOOLE, DANIEL	1522		189 /	SERGEANT OF POLICE	ON Duty	The reporting party alleged that the accused illegally searched the victim's apartment without a warrant and without permission. The search warrant had However the accused searched

Other Involved Parties

Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
NON-CPD Victim/Subject						M	BLK		

Involved Party Associations

Role	Rep. Party Name	Related Person	Relationship
Reporting Party Victim		O TOOLE, DANIEL	NO RELATIONSHIP
Reporting Party Victim			LAWYER

Incident Details

CR Required?		Manner Incident Received?	PAX
Confidential?		Biased Language?	N
Extraordinary Occurrence?	N	Bias Based Profiling?	N
Police Shooting (U)?	N	Alcohol Related?	N
Non Disciplinary Intervention:	N	Pursuit Related?	N
Initial Assignment:	IAD	Violence in Workplace?	N
Notify IAD Immediately?	N	Domestic Violence?	N
EEO Complaint No.:			
Civil Suit No.:	12 C 981	Civil Suit Settled Date:	
Notify Chief Administrator?	N	Notify Chief?	
Notify Coordinator?		Notification Does Not Apply?	Y
Notification Other?	N		
Notification Comments:	PO FABIAN STAR# 17699		

Incident Category List

Incident Category	Primary?	Initial?
03C - GROUP 03 - IMPROPER SEARCH SEARCH OF PREMISE WITHOUT WARRANT	Y	Y
03C - GROUP 03 - IMPROPER SEARCH SEARCH OF PREMISE WITHOUT WARRANT		N

Investigator History

Investigator	Type	Assigned Team	Assigned Date	Scheduled End Date	Investigation End Date	No. of Days
BRECKENRIDGE, CHARLES	Primary	GENERAL INVESTIGATION SECTION	07-MAR-2012	06-APR-2012	23-MAR-2012	16
CANNIZZO, STEVEN	Supervisor	GENERAL INVESTIGATION SECTION	07-MAR-2012	06-APR-2012	23-MAR-2012	

Extension History

Name	Previous Scheduled End Date	Extended Scheduled End Date	Date Certified Letter Sent	Reason Selected	Explanation	Extension Report Date	Approved By	Approved Date	Approval Comments
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Current Allegations

Accused Name	Seq. No.	Allegation	Category	Subcategory	Finding
O TOOLE, DANIEL	1	The reporting party alleged that the accused illegally searched the victim's apartment without a warrant and without permission. The search warrant had 4037 West Adams. However the accused searched [REDACTED]	03C IAD SUBCODE 03C	WITHOUT KEYS	NO AFFIDAVIT

Situations (Allegation Details)

Accused Name	Alleg. No.	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
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Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
CLOSED/NO CONVERSION	26-MAR-2012 08:18	CANNIZZO, STEVEN	SERGEANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	26-MAR-2012 08:17	CANNIZZO, STEVEN	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	23-MAR-2012 10:50	BRECKENRIDGE, CHARLES	POLICE AGENT	121 /	
PENDING INVESTIGATION	07-MAR-2012 12:59	SOLIS, MARCELLA	SERGEANT OF POLICE	121 /	
PENDING ASSIGN INVESTIGATOR	07-MAR-2012 10:55	CLARK, SUSAN	LIEUTENANT OF POLICE	121 /	
PENDING APPROVE TEAM	06-MAR-2012 11:22	WATSON, JOHN	POLICE OFFICER	121 /	
PENDING ASSIGN TEAM	02-MAR-2012 03:22	ROBERTS, GEORGE	SUPERVISING INVESTIGATOR	113 /	
PENDING SUPERVISOR REVIEW	02-MAR-2012 02:40	TOPPINS, YOLANDA	INTAKE AIDE	113 /	
PRELIMINARY	02-MAR-2012 02:37	TOPPINS, YOLANDA	INTAKE AIDE	113 /	

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content	Approve Inclusion
1	FACE SHEET					TOPPINS, YOLANDA	02-MAR-2012 02:37			
1	INVESTIGATION					BRECKENRIDGE, CHARLES	08-MAR-2012 07:06			
2	CONFLICT CERTIFICATION					BRECKENRIDGE, CHARLES	08-MAR-2012 07:06			
3	DOCUMENTS - INVESTIGATION		1	Sworn Affidavit, "Non-Cooperation"	Y	BRECKENRIDGE, CHARLES	23-MAR-2012 07:26	APPROVED		
4	DOCUMENTS - INVESTIGATION		1	Attempt to Contact Reporting Party Attorney [REDACTED] Telephonically.	Y	BRECKENRIDGE, CHARLES	13-MAR-2012 08:18	APPROVED		
5	DOCUMENTS - INVESTIGATION		2	Cerified [REDACTED] ing Party Att [REDACTED]	Y	BRECKENRIDGE, CHARLES	13-MAR-2012 08:19	APPROVED		
6	DOCUMENTS - INVESTIGATION		24	Civil Suit, Case [REDACTED]	Y	BRECKENRIDGE, CHARLES	14-MAR-2012 09:14	APPROVED		
7	DOCUMENTS - INVESTIGATION		1	Vice Case R [REDACTED]	Y	BRECKENRIDGE, CHARLES	14-MAR-2012 09:15	APPROVED		
8	DOCUMENTS - INVESTIGATION		2	Narcotics Supplementary Report, [REDACTED]	Y	BRECKENRIDGE, CHARLES	14-MAR-2012 09:17	APPROVED		

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content	Approve Inclusion
9	DOCUMENTS - INVESTIGATION		6	Search Warrant [REDACTED]	Y	BRECKENRIDGE, CHARLES	14-MAR-2012 09:18	APPROVED		
10	DOCUMENTS - INVESTIGATION		1	Consent to Search Signed by [REDACTED]	Y	BRECKENRIDGE, CHARLES	14-MAR-2012 09:19	APPROVED		
11	DOCUMENTS - INVESTIGATION			[REDACTED]	Y	BRECKENRIDGE, CHARLES	14-MAR-2012 09:20	APPROVED		
12	DOCUMENTS - INVESTIGATION		1	Domestic Return Receipt Signed by Reporting Party.	Y	BRECKENRIDGE, CHARLES	23-MAR-2012 07:27	APPROVED		
	DOCUMENTS - INVESTIGATION		4	Closing Package	Y	BRECKENRIDGE, CHARLES	23-MAR-2012 10:50	APPROVED		

Review Incident

Review Type	Accused/Involved Member Name	Result Type	Reviewed By	Position	Unit	Review Date	Remarks
LIEUTENANT REVIEW		SUBMITTED	CANNIZZO, STEVEN	SERGEANT OF POLICE	121	26-MAR-2012 08:18	
SERGEANT REVIEW		SUBMITTED	CANNIZZO, STEVEN	SERGEANT OF POLICE	121	26-MAR-2012 08:17	

Review Accused

Review Type	Accused/Involved Member Name	Result Type	Reviewed By	Position	Unit	Review Date	Remarks
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Accused Finding History

Accused	Allegation	Reviewed By	Reviewed Date/Time	CCR?	Concur?	Finding	Finding Comments
O TOOLE, DANIEL	1. The reporting party alleged that the accused illegally search...	BRECKENRIDGE, CHARLES	23-MAR-2012 10:50			NO AFFIDAVIT	

Accused Penalty History

Accused	Reviewed By	Reviewed Date/Time	CCR?	Concur?	Penalty	Penalty Comments
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Findings

Accused Name	Allegations	Category	Concur?	Findings	Comments
O TOOLE, DANIEL	The reporting party alleged that the accused illegally searched the victim's [REDACTED] apartment without a warrant and without permission. The search warrant [REDACTED] However the accused search [REDACTED]	03C IAD SUBCODE 03C		NO AFFIDAVIT	

FACE SHEET (Notification Date: 02-MAR-2012) - LOG #1052279

TYPE: INFO

Reporting Party Information

Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
NON-CPD Reporting Party Victim						F			

Incident Information

Incident From Date/Time	Address of Incident	Beat	Dist. Of Occurrence	Location Code	Location Description
12-FEB-2010 02:31 - 12-FEB-2010 02:31	4929 W ADAMS ST, APT BA CHICAGO, IL 60644	1533	015	090 - APARTMENT	

Accused Members

Role	Name	Star No.	Emp No.	UOA / UOD	Position	Status	Initial / Intake Allegation
CPD Employee	O TOOLE, DANIEL	1522	9733	189 /	SERGEANT OF POLICE	ON Duty	The reporting party alleged that the accused illegally searched the victim's apartment without a warrant and without permission. The search warrant had however the accused searched

Incident Details

CR Required?		Manner Incident Received?	PAX
Confidential?		Biased Language?	N
Extraordinary Occurrence?	N	Bias Based Profiling?	N
Police Shooting (U)?	N		
Motor Vehicle (V)?		Alcohol Related?	N
Non Disciplinary Intervention:	N	Pursuit Related?	N
Initial Assignment:	IAD	Violence in Workplace?	N
Notify IAD Immediately?	N	Domestic Violence?	N
EEO Complaint No.:			
Civil Suit No.:	12 C 981	Notify Chief?	
Notify Chief Administrator?	N	Notification Does Not Apply?	Y
Notify Coordinator?			
Notification Other?	N		

Initial Incident Category List

Initial Incident Category	Primary?
03C - GROUP 03 - IMPROPER SEARCH SEARCH OF PREMISE WITHOUT WARRANT	Y
03C - GROUP 03 - IMPROPER SEARCH SEARCH OF PREMISE WITHOUT WARRANT	

Assignment History

Assigned To	Assigned Team	Investigator	Assignment Date/Time	Assigned By	Reason
IAD	GENERAL INVESTIGATION SECTION	CANNIZZO, STEVEN (SUPERVISOR)	07-MAR-2012 12:59	SOLIS, MARCELLA	
IAD	GENERAL INVESTIGATION SECTION	BRECKENRIDGE, CHARLES (PRIMARY INV)	07-MAR-2012 12:59	SOLIS, MARCELLA	
IAD	GENERAL INVESTIGATION SECTION	-	06-MAR-2012 11:22	WATSON, JOHN	
IAD	INTERNAL AFFAIRS DIVISION	-	02-MAR-2012 14:37	TOPPINS, YOLANDA	

Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
CLOSED/NO CONVERSION	26-MAR-2012 08:18	CANNIZZO, STEVEN	SERGEANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	26-MAR-2012 08:17	CANNIZZO, STEVEN	SERGEANT OF POLICE	121 /	

Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
PENDING INVESTIGATIVE REVIEW	23-MAR-2012 10:50	BRECKENRIDGE, CHARLES	POLICE AGENT	121 /	
PENDING INVESTIGATION	07-MAR-2012 12:59	SOLIS, MARCELLA	SERGEANT OF POLICE	121 /	
PENDING ASSIGN INVESTIGATOR	07-MAR-2012 10:55	CLARK, SUSAN	LIEUTENANT OF POLICE	121 /	
PENDING APPROVE TEAM	06-MAR-2012 11:22	WATSON, JOHN	POLICE OFFICER	121 /	
PENDING ASSIGN TEAM	02-MAR-2012 03:22	ROBERTS, GEORGE	SUPERVISING INVESTIGATOR	113 /	
PENDING SUPERVISOR REVIEW	02-MAR-2012 02:40	TOPPINS, YOLANDA	INTAKE AIDE	113 /	
PRELIMINARY	02-MAR-2012 02:37	TOPPINS, YOLANDA	INTAKE AIDE	113 /	

SWORN AFFIDAVIT FOR COMPLAINT LOG INVESTIGATION
CHICAGO POLICE DEPARTMENT

STATE OF ILLINOIS)

COUNTY OF COOK)

CC

Location of Incident	Date	Time
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Summary of Statement(s):

I, _____ hereby state as follows:

1. I have read the above summary and/or attached statement(s) in its entirety, reviewed it for accuracy and been given an opportunity to make corrections and additions to the statement(s).
2. Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the information set forth in the statement(s) above and/or attached summary are true and correct, except as to any matters therein stated to be on information and belief as to such matters, I certify as aforesaid that I verily believe the same to be true.

Print Affiant's Name

Print Witness' Name

Affiant's Signature

Witness' Signature

Date

Date

Bureau of Internal Affairs
Investigations Division
General Investigations Section

9 March 2012
Log#1052279

TO: Commanding Officer
Investigations Division
General Investigations Section

FROM: Police Agent Charles BRECKENRIDGE #8099
Investigations Division
General Investigations Section

SUBJECT: Attempt to Contact Reporting Party Attorney [REDACTED]
[REDACTED] Ph #(312)-345-
0123 (Client: [REDACTED])

ALLEGATION: The Reporting Party alleges that on 12 February 2010, at 1431 hours, at [REDACTED] he accused P.O. Daniel O'TOOLE #15346, Unit 189, conducted a Search Warrant at the wrong address.

On today's date, at 1400 and 1432 hours, the Reporting Agent attempted to contact Attorney [REDACTED] telephonically at [REDACTED]. The Reporting Agent left a message explaining the Sworn Affidavit process and requested that Attorney [REDACTED] contact him as soon as possible. The Reporting Agent will mail a certified letter in an attempt to contact [REDACTED].

P.A. Charles Breckenridge #8099
Police Agent Charles BRECKENRIDGE #8099
Investigations Division
General Investigations Section



Department of Police * City of Chicago
3510 South Michigan Avenue * Chicago, Illinois 60653

Date 9 March 2012

Re: C. L. No. 1052279

Dear Attorney [REDACTED] Re: Client [REDACTED]

A complaint against a Department member, registered under the above Complaint Log (C.L.) Number, is currently under investigation by the Chicago Police Department.

A vital step in the investigation is an interview with the person who registered the complaint as well as witnesses. This step is essential in order to conduct a complete and thorough investigation.

Please contact me as soon as possible so that I can make arrangements to meet with you regarding the incident under investigation. The following information is provided so that you can contact me without unnecessary inconvenience:

Name: Agent Charles Breckenridge #8099

Address: 3510 S. Michigan, Chicago, IL 60653

Telephone: 312-745-6310

Hours Available: Mon thru Fri, 7.00 a.m. - 3.00 p.m.

Sincerely,

P.A. Charles Breckenridge #8099

CPD-44.223 (REV. 1/07)

Emergency: 9-1-1 * Non-Emergency: (Within City limits) 3-1-1 * Non-Emergency: (Outside City limits) 312-746-6000
TTY: 312-746-9715 * E-mail: police@ci.chi.il.us * Website: www.ci.chi.il.us/CAPS

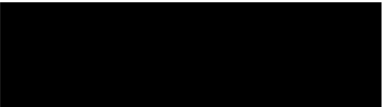

CPD 0067665



City of Chicago
Department of Police
3510 South Michigan Avenue
Chicago, Illinois 60653

Breckenridge, Unit 121
CL#1052279



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: 		B. Received by (Printed Name)	C. Date of Delivery
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label) 		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

CHICAGO POLICE DEPARTMENT
Internal affairs Division
3510 S. Michigan, Unit 121
Chicago, IL 60653
c/o Breckenridge
CL#1052279

CPD 0067666

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

[REDACTED]
Plaintiffs,

v.

CASE NUMBER: [REDACTED]

DANIEL O'TOOLE, UNKNOWN
OFFICERS OF THE CHICAGO POLICE
DEPARTMENT, and CITY OF CHICAGO,

ASSIGNED

JUDGE: JAMES F. HOLDERMAN

Defendants.

DESIGNATED

MAGISTRATE JUDGE: ARLANDER KEYS

TO:

Daniel O'Toole
Chicago Police Department
3510 S. Michigan Ave.
Chicago, IL 60653

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFFS' ATTORNEY

[REDACTED]
an answer to the complaint which is herewith served upon you **twenty-one (21) days** after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

THOMAS G. BRUTON, CLERK

BY DEPUTY CLERK

DATE

THOMAS G. BRUTON, CLERK

Paul E. Anderson

(By) DEPUTY CLERK



February 15, 2012 *1052279*
C.R.
DATE ATTACHMENT # 6

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____
- _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
- Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- _____
- _____
- ☐ Other (specify): _____
- _____
- _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____

Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT

for the
Northern District of Illinois


Plaintiff

v.

DANIEL O'TOOLE, et al.

Defendant

)
)
) Civil Action No. 12 C 00981
)
)

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: DANIEL O'TOOLE

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 02/21/2012

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Waiver of Service of Summons

TO: _____

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, DANIEL O'TOOLE

(DEFENDANT NAME)

, acknowledge receipt of your request

that I waive service of summons in the action of _____

V. O'TOOLE, et al.

(CAPTION OF ACTION)

which is case number _____

in the United States District Court

for the Northern District of Illinois.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 02/21/12,
(DATE REQUEST WAS SENT)
or within 90 days after that date if the request was sent outside the United States.

(DATE)_____
(SIGNATURE)

Printed/Typed Name: _____

DANIEL O'TOOLE

As _____

(TITLE)

of _____

(CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Waiver of Service of Summons

TO: _____
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, DANIEL O'TOOLE, acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of _____ V. O'TOOLE, et al.
(CAPTION OF ACTION)

which is case number _____ in the United States District Court
(DOCKET NUMBER)
for the Northern District of Illinois.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 02/21/12,
(DATE REQUEST WAS SENT)
or within 90 days after that date if the request was sent outside the United States.

(DATE) (SIGNATURE)

Printed/Typed Name: DANIEL O'TOOLE

As _____ of _____
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Plaintiff.

Y.

**DANIEL O'TOOLE, UNKNOWN
OFFICERS OF THE CHICAGO POLICE
DEPARTMENT, and CITY OF CHICAGO,**

Defendants.

) Case No. 12 C 00981
)
) Judge James F. Holderman
)
) Magistrate Judge Arlander Keys
)
)
)
) JURY TRIAL DEMANDED
)

CIVIL RIGHTS COMPLAINT

Plaintiff, [REDACTED] by and through his attorney,

and complaining against defendants, DANIEL O'TOOLE, UNKNOWN OFFICERS OF THE CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, states as follows:

NATURE OF CLAIM

1. This action arises under the United States Constitution and the laws of the United States, specifically the Civil Rights Act of 1871 [42 U.S.C. § 1983], to redress deprivations of the civil rights of plaintiff through acts and/or omissions of defendants committed under color of law. Specifically here, defendants deprived plaintiff of his rights under the Fourth and Fourteenth Amendments to the United States Constitution.

JURISDICTION AND VENUE

2. Jurisdiction is based upon 28 U.S.C. §§ 1343 and 1331.

3. Venue lies in the United States District Court, Northern District of Illinois, pursuant to 28 U.S.C. §1391, because all events or omissions giving rise to this claim occurred in this district.

PARTIES

4. At all times herein mentioned, plaintiff, [REDACTED]
[REDACTED] was and is a citizen of the United States and resides within the jurisdiction of the Court.

5. At all times herein mentioned, defendants DANIEL O'TOOLE (O'TOOLE) and UNKNOWN OFFICERS OF THE CHICAGO POLICE DEPARTMENT (UNKNOWN OFFICERS) were officers employed by the Chicago Police Department and were acting under color of state law and as employees or agents of the CITY OF CHICAGO, Illinois.

6. Defendant CITY OF CHICAGO is a municipal corporation, duly organized under the laws of the State of Illinois. Defendant CITY OF CHICAGO maintained, managed, and/or operated the Chicago Police Department.

STATEMENT OF FACTS

Illegal Entry and Search

7. On February 12, 2010, [REDACTED] lived at [REDACTED]
[REDACTED] a basement apartment.

8. The building in which [REDACTED] lived is a courtyard apartment building having in excess of 30 residential units.

9. The building has four levels, that is, basement, first floor, second floor, and third floor.

10. In the evening of February 12, 2010, defendants DANIEL O'TOOLE and UNKNOWN OFFICERS entered [REDACTED] without permission, without a warrant for the home, and without probable cause.

11. Defendants DANIEL O'TOOLE and UNKNOWN OFFICERS searched [REDACTED] without permission, without a warrant for the home, and without probable cause.

Warrant for Another Apartment

12. Defendants DANIEL O'TOOLE and UNKNOWN OFFICERS had in their possession a search warrant for the "entire 1st floor of the three flat building located at [REDACTED]

13. On the search warrant, the address [REDACTED] was written in and initialed. The typed address was [REDACTED]

14. The target listed on the search warrant was a female black named [REDACTED]

15. On February 12, 2010, [REDACTED] did not live at [REDACTED] plaintiff's basement apartment.

16. On February 12, 2010, upon information and belief, [REDACTED] lived at [REDACTED] a first floor apartment.

Warrant Obtained with False and Unreliable Information

17. Defendants DANIEL O'TOOLE and UNKNOWN OFFICERS had procured a search warrant for the "1st floor of the three flat building" at 4:30 PM on February 12, 2010, by appearing before a criminal court judge.

18. Defendants knew that their alleged informant was unreliable and that his information about the location and alleged criminal activity was unreliable.

19. Defendants knew that the information presented to the judge was not true, had not been verified, and was not verifiable.

20. Defendants intentionally presented false information to the judge in order to obtain the search warrant and it was in reliance on that false information that the judge signed the warrant.

Illegal Execution of Search Warrant and Seizure of Property

21. When defendants O'TOOLE and UNKNOWN OFFICERS illegally entered plaintiff's home, they broke the door to the apartment and ransacked the apartment, turning furniture over and pulling personal property out of closets and drawers

22. Defendants damaged plaintiff's property and left the apartment in total disarray.

23. Defendants O'TOOLE and UNKNOWN OFFICERS seized various items of plaintiff's personal property, all without a warrant, without permission, and without legal cause.

24. Plaintiff determined that a computer, a cellphone, a surround sound system, and other items were missing from his apartment.

25. By reason of the above-described acts and omissions of the defendant police officers, plaintiff sustained injuries, humiliation, and indignities, and suffered great mental and emotional pain and suffering, all to his damage.

26. The aforementioned acts of the defendant police officers were willful, wanton, malicious, oppressive, and done with reckless indifference to and/or callous disregard for plaintiff's rights and justify the awarding of exemplary and punitive damages.

27. By reason of the above-described acts and omissions of the defendant police officers, plaintiff was required to retain an attorney to institute, prosecute and render legal assistance to him in the within action, so that he might vindicate the loss and impairment of

his rights. By reason thereof, plaintiff requests payment by defendants of a reasonable sum for attorneys' fees pursuant to 42 U.S.C. §1988, the Equal Access to Justice Act, or any other provision set by law.

COUNT I

**Plaintiff [REDACTED] Against Defendants, O'TOOLE , UNKNOWN OFFICERS, and
CITY OF CHICAGO, for Unconstitutional Entry of Home**

28. Plaintiff, [REDACTED] incorporates and realleges paragraphs 1 - 27, as though set forth herein in their entirety.

29. Defendant police officers O'TOOLE and UNKNOWN OFFICERS entered plaintiff's home at [REDACTED] in Chicago, Illinois, without a warrant for the home, without permission, and without legal cause, thus invading and violating plaintiff's security and privacy.

30. By reason of the conduct of defendants O'TOOLE and UNKNOWN OFFICERS, plaintiff, [REDACTED] was deprived of rights, privileges and immunities secured to him by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, the individual defendants are liable to plaintiff pursuant to 42 U.S.C. §1983.

31. The misconduct described in this Count was undertaken pursuant to the policy and practice of the Chicago Police Department in that:

- a. As a matter of both policy and practice, the Chicago Police Department directly encourages, and thereby the moving force behind, the very type of police misconduct at issue here by failing to adequately train,

supervise, and control its officers, such that its failure to do so manifests deliberate indifference.

- b. As a matter of both policy and procedure, the Chicago Police Department facilitates the very type of police misconduct at issue here by failing to adequately punish and discipline prior instances of misconduct, thereby leading Chicago police officers to believe their actions will never be scrutinized and, in that way, directly encourages future abuses such as those affecting plaintiff.
- c. Generally, as a matter of widespread practice so prevalent as to comprise municipal policy, officers of the Chicago Police Department enter citizens' homes without a warrant and without permission in a manner similar to that alleged by plaintiff in this Count on a frequent basis, yet the Chicago Police Department makes findings of wrongdoing in a disproportionately small number of cases.
- d. Municipal policy-makers are aware of , and condone and facilitate by their inaction, a "code of silence" in the Chicago Police Department, by which officers fail to report misconduct committed by other officers, such as the misconduct at issue in this case.
- e. The City of Chicago has failed to act to remedy the patterns of abuse described in the preceding paragraphs, despite actual knowledge of same, thereby causing the types of injuries alleged here.

32. By reason of the policy and practice of the Chicago Police Department, plaintiff, [REDACTED], was deprived of rights, privileges and immunities secured to him by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, the City of Chicago is liable to plaintiff pursuant to 42 U.S.C. §1983.

COUNT II
**Plaintiff, [REDACTED] Against Defendants, O'TOOLE , UNKNOWN OFFICERS, and
CITY OF CHICAGO, for Unconstitutional Search of Home**

33. Plaintiff, [REDACTED] incorporates and realleges paragraphs 1 - 27, as though set forth herein in their entirety.

34. Defendant police officers O'TOOLE and UNKNOWN OFFICERS searched plaintiff's home at [REDACTED] in Chicago, Illinois, without a warrant for the home, without permission, and without legal cause, thus invading and violating plaintiff's security and privacy.

35. By reason of the conduct of defendant police officers O'TOOLE and UNKNOWN OFFICERS, plaintiff, [REDACTED] was deprived of rights, privileges and immunities secured to him by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, the individual defendants are liable to plaintiff pursuant to 42 U.S.C. §1983.

36. The misconduct described in this Count was undertaken pursuant to the policy and practice of the Chicago Police Department in that:

- a. As a matter of both policy and practice, the Chicago Police Department directly encourages, and thereby the moving force behind, the very type of police misconduct at issue here by failing to adequately train,

supervise, and control its officers, such that its failure to do so manifests deliberate indifference.

- b. As a matter of both policy and procedure, the Chicago Police Department facilitates the very type of police misconduct at issue here by failing to adequately punish and discipline prior instances of misconduct, thereby leading Chicago police officers to believe their actions will never be scrutinized and, in that way, directly encourages future abuses such as those affecting plaintiff.
- c. Generally, as a matter of widespread practice so prevalent as to comprise municipal policy, officers of the Chicago Police Department search citizens' homes without a warrant and without permission in a manner similar to that alleged by plaintiff in this Count on a frequent basis, yet the Chicago Police Department makes findings of wrongdoing in a disproportionately small number of cases.
- d. Municipal policy-makers are aware of , and condone and facilitate by their inaction, a "code of silence" in the Chicago Police Department, by which officers fail to report misconduct committed by other officers, such as the misconduct at issue in this case.
- e. The City of Chicago has failed to act to remedy the patterns of abuse described in the preceding paragraphs, despite actual knowledge of same, thereby causing the types of injuries alleged here.

37. By reason of the policy and practice of the Chicago Police Department, plaintiff, [REDACTED] was deprived of rights, privileges and immunities secured to him by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, the City of Chicago is liable to plaintiff pursuant to 42 U.S.C. §1983.

COUNT III
Plaintiff, [REDACTED] Against Defendants, O'TOOLE , UNKNOWN OFFICERS, and CITY OF CHICAGO, for Intentionally Procuring a Search Warrant with False Information

38. Plaintiff, [REDACTED] incorporates and realleges paragraphs 1 - 27, as though set forth herein in their entirety.

39. Defendant police officers O'TOOLE and UNKNOWN OFFICERS procured a search warrant from the criminal court judge for the first floor of [REDACTED] knowing that the alleged informant was unreliable and that his information about the location and alleged criminal activity was unreliable.

40. Defendants O'TOOLE and UNKNOWN OFFICERS procured a search warrant from the criminal court judge, knowing that the information presented to the judge was not true, had not been verified, and was not verifiable.

41. Defendants O'TOOLE and UNKNOWN OFFICERS intentionally presented false information to the judge in order to obtain the search warrant and it was because of that false information that the judge signed the warrant.

42. Defendants O'TOOLE and UNKNOWN OFFICERS justify their illegal search of plaintiff's home with the fraudulently obtained warrant.

43. By reason of the conduct of defendant police officers O'TOOLE and UNKNOWN OFFICERS, plaintiff, [REDACTED] was deprived of rights, privileges and

immunities secured to him by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, the individual defendants are liable to plaintiff pursuant to 42 U.S.C. §1983.

44. The misconduct described in this Count was undertaken pursuant to the policy and practice of the Chicago Police Department in that:

- a. As a matter of both policy and practice, the Chicago Police Department directly encourages, and thereby the moving force behind, the very type of police misconduct at issue here by failing to adequately train, supervise, and control its officers, such that its failure to do so manifests deliberate indifference.
- b. As a matter of both policy and procedure, the Chicago Police Department facilitates the very type of police misconduct at issue here by failing to adequately punish and discipline prior instances of misconduct, thereby leading Chicago police officers to believe their actions will never be scrutinized and, in that way, directly encourages future abuses such as those affecting plaintiff.
- c. Generally, as a matter of widespread practice so prevalent as to comprise municipal policy, officers of the Chicago Police Department procure warrants in a fraudulent manner similar to that alleged by plaintiff in this Count on a frequent basis, yet the Chicago Police Department makes findings of wrongdoing in a disproportionately small number of cases.

- d. Municipal policy-makers are aware of , and condone and facilitate by their inaction, a “code of silence” in the Chicago Police Department, by which officers fail to report misconduct committed by other officers, such as the misconduct at issue in this case.
- e. The City of Chicago has failed to act to remedy the patterns of abuse described in the preceding paragraphs, despite actual knowledge of same, thereby causing the types of injuries alleged here.

45. By reason of the policy and practice of the Chicago Police Department, plaintiff, [REDACTED], was deprived of rights, privileges and immunities secured to him by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, the City of Chicago is liable to plaintiff pursuant to 42 U.S.C. §1983.

COUNT IV

Plaintiff, [REDACTED] Against Defendants, O'TOOLE , UNKNOWN OFFICERS, and CITY OF CHICAGO, for Intentionally Executing a Search Warrant on the Wrong Apartment

46. Plaintiff, [REDACTED] incorporates and realleges paragraphs 1 - 27, as though set forth herein in their entirety.

47. Defendant police officers O'TOOLE and UNKNOWN OFFICERS illegally entered plaintiff's home at [REDACTED] in Chicago, Illinois, to execute a search warrant that incorrectly described the 30+ unit building as a “three flat.”

48. Defendants O'TOOLE and UNKNOWN OFFICERS illegally entered plaintiff's home at [REDACTED] in Chicago, Illinois, to execute a search warrant for “the entire 1st floor apartment,” when the apartment building had multiple first floor apartments.

49. Defendants O'TOOLE and UNKNOWN OFFICERS illegally entered plaintiff's home at [REDACTED] in Chicago, Illinois,, to execute a search warrant for "the entire 1st floor apartment," despite the fact that plaintiff's home was a basement apartment.

50. By reason of the conduct of defendant police officers O'TOOLE and UNKNOWN OFFICERS, plaintiff, [REDACTED] was deprived of rights, privileges and immunities secured to him by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, the individual defendants are liable to plaintiff pursuant to 42 U.S.C. §1983.

51. The misconduct described in this Count was undertaken pursuant to the policy and practice of the Chicago Police Department in that:

- a. As a matter of both policy and practice, the Chicago Police Department directly encourages, and thereby the moving force behind, the very type of police misconduct at issue here by failing to adequately train, supervise, and control its officers, such that its failure to do so manifests deliberate indifference.
- b. As a matter of both policy and procedure, the Chicago Police Department facilitates the very type of police misconduct at issue here by failing to adequately punish and discipline prior instances of misconduct, thereby leading Chicago police officers to believe their actions will never be scrutinized and, in that way, directly encourages future abuses such as those affecting plaintiff.
- c. Generally, as a matter of widespread practice so prevalent as to comprise municipal policy, officers of the Chicago Police Department execute

warrants in a manner similar to that alleged by plaintiff in this Count on a frequent basis, yet the Chicago Police Department makes findings of wrongdoing in a disproportionately small number of cases.

- d. Municipal policy-makers are aware of , and condone and facilitate by their inaction, a “code of silence” in the Chicago Police Department, by which officers fail to report misconduct committed by other officers, such as the misconduct at issue in this case.
- e. The City of Chicago has failed to act to remedy the patterns of abuse described in the preceding paragraphs, despite actual knowledge of same, thereby causing the types of injuries alleged here.

52. By reason of the policy and practice of the Chicago Police Department, plaintiff, [REDACTED] was deprived of rights, privileges and immunities secured to him by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, the City of Chicago is liable to plaintiff pursuant to 42 U.S.C. §1983.

COUNT V

**Plaintiff, [REDACTED] Against Defendants, O'TOOLE , UNKNOWN OFFICERS, and
CITY OF CHICAGO, for Illegal Seizure of Property**

53. Plaintiff, [REDACTED] incorporates and realleges paragraphs 1 - 27, as though set forth herein in their entirety.

54. When defendant police officers O'TOOLE and UNKNOWN OFFICERS illegally searched plaintiff's home, they broke the door to the apartment, turned furniture over, pulled personal property out of closets and drawers Property was damaged and defendants left the apartment in total disarray.

55. Defendant police officers O'TOOLE and UNKNOWN OFFICERS seized various items of personal property, all without a warrant, without permission, and without legal cause.

56. Plaintiff determined that a computer, a cellphone, a surround sound system, and other items were missing from his apartment.

57. By reason of the conduct of defendant police officers O'TOOLE and UNKNOWN OFFICERS, plaintiff, [REDACTED] was deprived of rights, privileges and immunities secured to him by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, the individual defendants are liable to plaintiff pursuant to 42 U.S.C. §1983.

58. The misconduct described in this Count was undertaken pursuant to the policy and practice of the Chicago Police Department in that:

- a. As a matter of both policy and practice, the Chicago Police Department directly encourages, and thereby the moving force behind, the very type of police misconduct at issue here by failing to adequately train, supervise, and control its officers, such that its failure to do so manifests deliberate indifference.
- b. As a matter of both policy and procedure, the Chicago Police Department facilitates the very type of police misconduct at issue here by failing to adequately punish and discipline prior instances of misconduct, thereby leading Chicago police officers to believe their actions will never be scrutinized and, in that way, directly encourages future abuses such as those affecting plaintiff.

- c. Generally, as a matter of widespread practice so prevalent as to comprise municipal policy, officers of the Chicago Police Department damage and seize property when illegally searching an apartment in a manner similar to that alleged by plaintiff in this Count on a frequent basis, yet the Chicago Police Department makes findings of wrongdoing in a disproportionately small number of cases.
- d. Municipal policy-makers are aware of , and condone and facilitate by their inaction, a “code of silence” in the Chicago Police Department, by which officers fail to report misconduct committed by other officers, such as the misconduct at issue in this case.
- e. The City of Chicago has failed to act to remedy the patterns of abuse described in the preceding paragraphs, despite actual knowledge of same, thereby causing the types of injuries alleged here.

59. By reason of the policy and practice of the Chicago Police Department, plaintiff, [REDACTED] was deprived of rights, privileges and immunities secured to him by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, the City of Chicago is liable to plaintiff pursuant to 42 U.S.C. §1983.

COUNT VI
Plaintiff, [REDACTED] Against Defendants, O'TOOLE, UNKNOWN OFFICERS, and CITY OF CHICAGO, for Conspiracy Pursuant to Section 1983

60. Plaintiff, [REDACTED] incorporates and realleges paragraphs 1 - 27, as though set forth herein in their entirety.

61. The above acts were committed with knowledge and by agreement of defendants O'TOOLE and UNKNOWN OFFICERS to act in concert to violate the constitutional rights of plaintiff [REDACTED]

62. By reason of the conduct of defendant police officers O'TOOLE and UNKNOWN OFFICERS, plaintiff, [REDACTED] was deprived of rights, privileges and immunities secured to him by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, the individual defendants are liable to plaintiff pursuant to 42 U.S.C. §1983.

63. The misconduct described in this Count was undertaken pursuant to the policy and practice of the Chicago Police Department in that:

- a. As a matter of both policy and practice, the Chicago Police Department directly encourages, and thereby the moving force behind, the very type of police misconduct at issue here by failing to adequately train, supervise, and control its officers, such that its failure to do so manifests deliberate indifference.
- b. As a matter of both policy and procedure, the Chicago Police Department facilitates the very type of police misconduct at issue here by failing to adequately punish and discipline prior instances of misconduct, thereby leading Chicago police officers to believe their actions will never be scrutinized and, in that way, directly encourages future abuses such as those affecting plaintiff.
- c. Generally, as a matter of widespread practice so prevalent as to comprise municipal policy, officers of the Chicago Police Department agree to act

in concert to violate the constitutional rights of citizens in a manner similar to that alleged by plaintiff in this Count on a frequent basis, yet the Chicago Police Department makes findings of wrongdoing in a disproportionately small number of cases.

- d. Municipal policy-makers are aware of , and condone and facilitate by their inaction, a “code of silence” in the Chicago Police Department, by which officers fail to report misconduct committed by other officers, such as the misconduct at issue in this case.
- e. The City of Chicago has failed to act to remedy the patterns of abuse described in the preceding paragraphs, despite actual knowledge of same, thereby causing the types of injuries alleged here.

64. By reason of the policy and practice of the Chicago Police Department, plaintiff, [REDACTED] was deprived of rights, privileges and immunities secured to him by the Fourth and Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder. Therefore, the City of Chicago is liable to plaintiff pursuant to 42 U.S.C. §1983.

COUNT VII
Plaintiff, [REDACTED] Against Defendant CITY OF CHICAGO for Indemnification
(735 ILCS 10/9-102)

65. Plaintiff, [REDACTED], incorporates and realleges paragraphs 1 - 27, as though set forth herein in their entirety.

66. In Illinois, public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

67. Defendant O'TOOLE and UNKNOWN OFFICERS were employees of the CITY OF CHICAGO and acted within the scope of their employment in committing the misconduct described herein.

68. Defendant CITY OF CHICAGO is thus liable under the theory of indemnification.

WHEREFORE, plaintiff, [REDACTED] by and through his attorney, [REDACTED] requests judgment as follows against defendants, DANIEL O'TOOLE, UNKNOWN OFFICERS, and CITY OF CHICAGO, on each and every claim:

1. That defendants be required to pay plaintiff general damages, including emotional distress, in a sum to be ascertained at a trial of this matter,
2. That defendants be required to pay plaintiff special damages,
3. That defendants be required to pay plaintiff attorneys' fees pursuant to 42 U.S.C. §1988, the Equal Access to Justice Act, or any other applicable provision,
4. That defendants be required to pay plaintiff exemplary and punitive damages in a sum to be ascertained at a trial of this matter,
5. That defendants be required to pay plaintiff costs of the suit herein incurred, and
6. That plaintiff be granted such other and further relief as this Court may deem just and proper

Plaintiff HEREBY REQUESTS A TRIAL BY JURY.

Dated: February 10, 2012

/s/ [REDACTED]

[REDACTED]

[REDACTED]

VIOLENCE CASE
REPORT
CHICAGO POLICE
☐ 1 GAMBLING ☒ 2 NARCOTICS ☐ 3 LIQUOR LAW VIOLATION
☐ 4 PROSTITUTION ☐ 5 OBSCENITY ☐ 6 PUBLIC INDECENCY (L.C. PREMISE)

Possession of Controlled Substances

5. DATE OF OCCURRENCE - TIME

6. DATE R.O. ARRIVED - TIME

17 Feb 10 1910 17 Feb 10

☐ 085 AIRPORT/AIRCRAFT ☐ 121 CHA APARTMENT ☐ OTHER
☐ 290 RESIDENCE ☐ 123 CHA PARKING LOT/GROUNDS
☐ 304 STREET ☐ 259 PARK PROPERTY

10. LICENSEE'S NAME (CORP. IF APPLICABLE)

11. BUSINESS LICENSE NO(S).

12. VICTIM'S/COMPLAINANT'S NAME (LAST - FIRST - M.I.)

13. HOME ADDRESS (NO. - DIR. - STREET - APT. NO.)

14. SEX - RACE - AGE
CODE

15. HOME PHONE

16. BUSINESS PHONE

17. TIME AVAILABLE

RACE CODES

18. PERSON ☐ 1 DISCOVERED ☐ 2 WITNESSED ☐ 3 REPORTED OFFENSE
 1 - BLACK
 2 - WHITE
 3 - BLACK-HISPANIC
 4 - WHITE-HISPANIC
 5 - AMER.IND./ALASKA NAT.
 6 - ASIAN/PACIFIC ISLANDER

19. OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC.)

20. OFFENDER IN CUSTODY
☐ 1 YES ☐ 2 NO

21. NICKNAME/A.K.A.

22. HOME ADDRESS

23. SEX - RACE - AGE
CODE

HEIGHT

WEIGHT

EYES

HAIR

COMPL.

24. DATE OF BIRTH

25. I.R./C.B. NO.

26. CHARGES

27. COURT BRANCH - CALL

28. COURT DATE

29. INVENTORY NO.

30. WEIGHT

31. E.S.V.

OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC.)

OFFENDER IN CUSTODY?
☐ 1 YES ☐ 2 NO

NICKNAME/A.K.A.

HOME ADDRESS

SEX - RACE - AGE
CODE

HEIGHT

WEIGHT

EYES

HAIR

COMPL.

DATE OF BIRTH

I.R./C.B. NO.

CHARGES

COURT BRANCH - CALL

COURT DATE

INVENTORY NO.

WEIGHT

E.S.V.

OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC.)

OFFENDER IN CUSTODY?
☐ 1 YES ☐ 2 NO

NICKNAME/A.K.A.

HOME ADDRESS

SEX - RACE - AGE
CODE

HEIGHT

WEIGHT

EYES

HAIR

COMPL.

DATE OF BIRTH

I.R./C.B. NO.

CHARGES

COURT BRANCH - CALL

COURT DATE

INVENTORY NO.

WEIGHT

E.S.V.

32. NO. OF OFFENDERS

33. NO. OF ARRESTEES

34. TYPE OF ARREST
☐ ON VIEW ☐ WARRANT

35. ADDRESS OF ARREST

36. VEHICLE
USED BY
OFFENDER(S)

YEAR

MAKE

BODY STYLE

COLOR

V.I.N.

STATE LICENSE NO.

STATE

EXPIR. MO./YEAR

37. OTHER VEHICLE IDENTIFIERS

38. VEHICLE CONFISCATED
☐ 1 YES ☐ 2 NO

POUND

39. MOTOR VEHICLE INVENTORY NO.

40. NARRATIVE (Don't
omit)

Incident #

Incident #

For further information see Narcotics Supplementary Report.

41. FLASH MESSAGE SENT?
☐ 1 YES ☐ 2 NO42. GANG RELATED - AFFILIATION
☐ VICTIM
☐ OFFENDER43. EXTRA COPIES REQUIRED (NO. & RECIPIENT)
☒ NORMAL (3)☐ CONTINUE
OTHER SIDE

44. NOTIFICATIONS, IF APPROPRIATE, MADE BY

UNIT NOTIFIED

PERSON NOTIFIED

DATE (DAY - MO. - YEAR) - TIME

45. REPORTING OFFICER'S NAME (PRINT)

STAR NO.

46. REPORTING OFFICER'S NAME (PRINT)

STAR NO.

47. DATE INVEST. COMPLETED - TIME

48. SUPERVISOR APPROVING (PRINT NAME)

STAR NO.

SIGNATURE

P/O D.O. TOOLE

STAR NO.

SIGNATURE

17 Feb 10 1230

SGT L.V. SEC

1980

12 Feb 10 1230

SGT L.V. SEC

1980

CPD-11.414 (Rev. 8/96)

Identify and describe all property or possible evidence recovered at the end of the narrative in column form. Show exactly where found, who found it and its description (enter Property Inventory numbers in box 29).

Identify and describe all property or possible evidence recovered at the end of the Narrative in column form. Show exactly where found, when found, who found it and it's description (include Property Inventory numbers). If property taken was scribed for Operation Identification, indicate I.D. number at the end of Narrative. Offender's approximate description, if possible, should include name if known, nickname, sex, race code, age, height, weight, color eyes and hair, complexion, scars, marks, etc. If suspect is arrested, give name, sex, race code, age, C.B. or I.R. number, if known, and state "In Custody." All descriptions and statements in this entire report are approximations or summarizations unless indicated otherwise.

Narcotics Section Investigation Supplementary Report **CHICAGO POLICE-FOR USE BY B.I.S. PERSONNEL ONLY**

Offense Classification / Last Report		IIICR Code	Offense Reclassification / DNA			Revised IIICR		
Possession of Crack Cocaine		2027	DNA					
Address of Occurrence	Type of Location	Location Code	Date of Occurrence	Time of Occurrence	Beat of Occ	Beat Assigned		
	RESIDENCE	290	12Feb10	1810	1533	6226/6223		
Victims	Victim's Name	Relation	Method Code	Method Assigned	Unit	Safe Method	If Residence / Where	
1	State of Illinois	024		Field	189	DNA	DNA	
Offenders	Offender's Name	Relation	Num Arrested	Arrest Unit	Adults	Juveniles	Fine	Gang Related
	None	024	0	6226/6223	1	0	No	n

Update Information *See Narrative For Updated Information

Victim Verified	Offender Verified	Property Verified	Circumstances Verified
Victim Update	Offender Updated	Property Updated	Circumstances Updated
STATUS		HOW CLEARED	
0 - Prop	1 - Sus	2 - Unf	3 - C/C
4 - C/O	5 - C/C/K	6 - C/O/X	7 - C/N/C
1 - Arrest	2 - Juv-Ct	3 - Ref Pros	4 - Comm Adj
5 - Other Ex			

EVENT NUMBER: **INCIDENT NUMBER: 101812** **RAID NUMBER: 189-10-N054** **R.D. NUMBER:**

This Is A Narcotic Section Investigation Officer's Report By Beat 6226

90. EXTRA COPIES REQ'D	91. DATE SUBMITTED 12Feb10	92. SUPERVISOR APPRV-STAR SGT. STEC#1980
O'Toole	STAR 15346	SIGNATURE <i>[Signature]</i>
SIGNATURE <i>[Signature]</i>	SIGNATURE	DATE APPROVED—TIME 12 Feb10 2230
		C.R. 1052279

Event Number: [REDACTED] Incident Number: 101812 Raid Number: 189-10-N054 RD Number: [REDACTED]

This Is A Narcotics Section Investigation Officer's Report By Beat 6226

Page 2

OPERATION / MISSION #:

AREA#2 ANTI- VIOLENCE TASK FORCE

OFFENDER(S)

POLICE PERSONNEL ON SCENE:

SUPERVISOR: SGT. Stec#1980

D.O'Toole#15346 , J. Martinez#14377, D. Guzman#12877, B. Murphy#6066, S. McKenna #3942

JUDGE:

Panozzo#1962

ASA

Cook

EVIDENCE OFFICER:

Martinez#14377

NOTIFICATIONS:

OEC: Williams #20

HISTORY OF INVESTIGATION:

R/O and team members of teams B-6, A-5 and B2 formulated a plan to execute search warrant 10SW5543 on today's date. R/O's knocked on door, received no response and forced entry. R/O's searched residence with negative results. A copy of the search warrant was left on the kitchen table of residence. As R/O's were leaving residence, R/O's encountered a F/1 in the hallway who matched the description of the target of the search warrant. R/O's asked her what her name was and she responded [REDACTED]. R/O's then asked her what her nickname was and she responded [REDACTED], which was the name of the target on the search warrant. R/O's then asked her where she lived and she stated "I live in the apartment up those stairs". At that point, R/Os asked her if she would sign a Consent To Search Form for her residence. She agreed and signed. R/O's performed a brief search with negative results. R/O's relocated to [REDACTED] for processing. Consent To Search Form event # [REDACTED]. This case is clear closed.

PREPARER-SIGN OR INITIAL

D.O

APPROVAL-SIGN OR INITIAL

[Signature]

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of the State of Illinois to all peace officers of the state

SEARCH WARRANT

On this day, P.O. Daniel O'Toole #15346, Chicago Police Department, Narcotics Section, and John Doe, Complainants has subscribed and sworn to a complaint for search warrant before me. Upon examination of the complaint, I find that it states facts sufficient to show probable cause.

I therefore command that you search:

██████████, a female black, approximately 27-32 yoa, 5'05-5'08 tall and weighing 140-160 lbs., with brown eyes, black hair, medium complexion

and the premises: *DJ O. R. P.*

The entire 1st floor apartment of the three flat building located ██████████ Cook County

and seize the following instruments, articles and things:

Cocaine, a controlled substance, any other controlled substances, any documents showing residency, any paraphernalia used in the weighing, cutting, or mixing of illegal drugs, any money, any records detailing illegal drug transactions.

which have been used in the commission of, or which constitute evidence of the offense of:

Unlawful Possession of a Controlled Substance 720 ILCS 570/402

I further command that a return of anything so seized shall be made without necessary delay before me or before:

Judge

or before any court of competent jurisdiction.

KATHLEEN ANN PANDELO

Kathleen Ann Pandello
JUDGE
Judge's No. *196*

Date and time of issuance:

February 12, 2010 @ 4:30 p.m.
C. R.

ATTACHMENT # *9*

100 W 2nd St, Chicago, IL 60604

COURT BRANCH

COURT DATE

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

(3-81) CCMC-1-219

STATE OF ILLINOIS
COUNTY OF COOK

THE CIRCUIT COURT OF COOK COUNTY

COMPLAINT FOR SEARCH WARRANT

I, P.O. Daniel O'Toole#15346, Chicago Police Department, Narcotics Section, and John Doe, Complainants now appears before the undersigned judge of the Circuit Court of Cook County and requests the issuance of a search warrant to search:

██████████ a female black, approximately 27- 32yos, 5'05- 5'08 tall and weighing 140-160lbs., with brown eyes, black hair, medium complexion

and the premises:

The entire ██████████ floor apartment of the three-flat building located at ██████████

and seize the following instruments, articles and things:

Cocaine, a controlled substance, any other controlled substances, any documents showing residency, any paraphernalia used in the weighing, cutting, or mixing of illegal drugs, any money, any records detailing illegal drug transactions.

which have been used in the commission of, or which constitute evidence of the offense of:

Unlawful Possession of a Controlled Substance 720 ILCS 570/402

Complainant says that he has probable cause to believe, based upon the following facts, that the above listed things to be seized are now located upon the person and premises set forth above:

I, Officer Daniel O'Toole#15346, assigned to the Narcotics Section, Area 2, Team B6, have been a Chicago police officer for the past nine years. During the past nine years I have made numerous narcotics and weapons related arrests.

On 12 Feb 2010, I had an opportunity to speak with an individual that I will refer to as John Doe. John Doe has admitted to me to be a user of Cocaine for over five years. During the last year and within the past 24 hours, John Doe has purchased and used Cocaine he bought from the above address from an individual by the name of ██████████ John Doe has known ██████████ for three years.

On 12 Feb 2010, John Doe went to ██████████ for the purpose of purchasing Cocaine.

P.O. Daniel O'Toole #15346 J. Doe

COMPLAINANT

Subscribed and sworn to before me on

February 12, 2010

Kathleen A. Tamm #146

JUDGE

Judge's No.

COURT BRANCH

COURT DATE

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

(3-81) CCMC-1-219

STATE OF ILLINOIS
COUNTY OF COOK

THE CIRCUIT COURT OF COOK COUNTY

COMPLAINT FOR SEARCH WARRANT

John Doe stated he typically purchases two "rocks" (street terminology for Crack Cocaine) for 20.00 U.S.C. John Doe informed me, P.O Daniel O'Toole #15346, that on 12 Feb 2010 he had an opportunity to purchase Cocaine from the above listed person [REDACTED] at the above listed address [REDACTED]. John Doe stated he went to the above listed residence and [REDACTED] opened the door and told John Doe to come inside. Once inside of the residence, [REDACTED] asked John Doe what he wanted, John Doe then stated a "two rocks" (common street terminology for Crack Cocaine). [REDACTED] then told John Doe to grab a "Nike shoebox" from on top of her television set which contained numerous plastic bags, containing suspect Crack Cocaine. [REDACTED] then stated to John Doe to grab two bags for himself out of the shoebox. After John Doe removed the two bags of Crack Cocaine from the shoebox (which contained numerous bags of Crack Cocaine) he then handed [REDACTED] \$20.00 dollars U.S.C in return. [REDACTED] then told John Doe to put the "Nike shoebox" back on the television. John Doe then left the residence and went to an undisclosed location and used a portion of the Crack Cocaine that John Doe had just purchased from [REDACTED]. John Doe stated that John Doe received the same euphoric feeling as John Doe has received in the past after ingesting Crack Cocaine.

On today's date, John Doe accompanied R/O and R/O's partner in covert vehicle and drove to the 4900 block of W. Adams. John Doe pointed to [REDACTED] and stated "that's where [REDACTED] stays".

John Doe was made available to the undersigned judge for any questions or information.

Based on the above information provided by John Doe and my experiences as a Chicago Police Officer, I respectfully request that a search warrant be authorized for [REDACTED], a female black, 27-32 yoa, approximately 5'05-5'08" tall and weighing 140-160lbs., brown eyes, black hair, medium complexion, and the entire [REDACTED] apartment located at [REDACTED].

COMPLAINANT

Subscribed and sworn to before me on

February 12, 2010

Kathleen Ann Panozzo
JUDGE

Judge's No.

SEARCH WARRANT DATA / Chicago Police Department

UNIT 189 NARCOTIC SECTION	WARRANT TYPE SEARCH WARRANT	WARRANT NO. [REDACTED]
DECONFLICTION NO [REDACTED]	OPERATION NAME A/2 ANTI-VIOLENCE TASK FORCE	ISSUED DATE 12-FEB-2010 16:30

PART I - TO BE COMPLETED PRIOR TO SEARCH WARRANT EXECUTION

JURISDICTION	NAME OF ATTORNEY (LAST, FIRST)	NAME OF JUDGE (LAST, FIRST)	EMP NO.
COUNTY	COOK, JOE	PANAZZO, KATHLEEN	[REDACTED]
OBJECT OF WARRANT COCAINE			

PERSONNEL ASSIGNMENTS

NAME (LAST-FIRST-MI)	AGENCY NAME	STAR NO.	EMP NO.	ASSIGNMENT
O TOOLE, J, DANIEL	CPD	15346	[REDACTED]	AFFIANT
GUZMAN, E, DAVID	CPD	12877	[REDACTED]	BREECH
MURPHY, T, WILLIAM	CPD	6066	[REDACTED]	BREECH
MARTINEZ JR, A, JORGE	CPD	14377	[REDACTED]	ENTRY
MC KENNA, M, SCOTT	CPD	3942	[REDACTED]	ENTRY
STEC, J, LAWRENCE	CPD	1980	[REDACTED]	SEARCH TEAM SUPERVISOR
MATTHEWS, A, TAMARA	CPD	4640	[REDACTED]	SECURITY
STEC, J, LAWRENCE	CPD	1980	[REDACTED]	SUPERVISING SERGEANT OR AE

EQUIPMENT EXCEPTION

ITEMS FOR CONSIDERATION

1. Residency Check
2. Number of occupants anticipated:
 - a. adults, children, males, females
 - b. procedures if children or females are present
3. identity of occupants likely to be present (physical description, criminal history, etc.)
4. Condition of occupants (asleep, intoxicated, etc.)
5. Type of security on premises (animals, burglar gates, reinforced doors, lookouts, etc.)
6. Type of equipment needed:
 - a. miscellaneous items (handcuffs, flashlights, whistles, etc.)
 - b. specialized items (sledge hammer, crowbar, camera, binoculars, etc.)
7. Expectation of weapons present
8. Hazards particular to premises
9. Other relevant data
10. Duty Assignments:
 - a. positions
 - b. use of equipment
 - c. order of entry

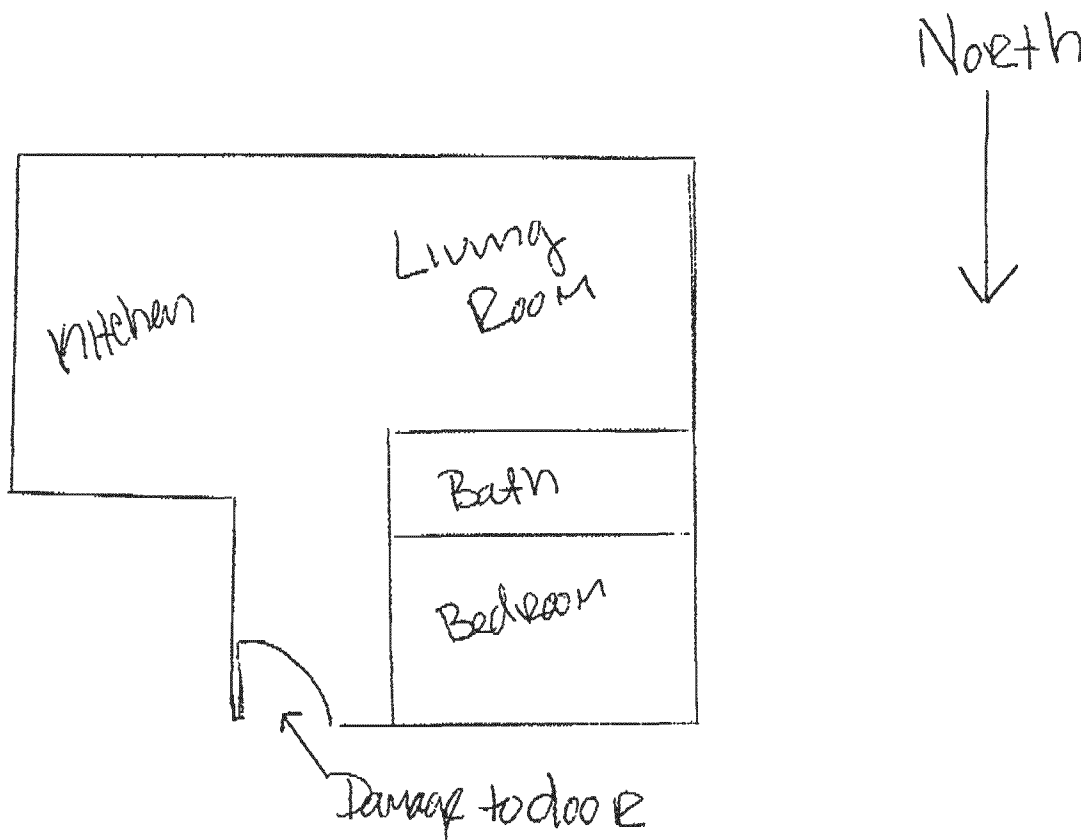
Note: Officer's effecting forced entry should NOT be the first to enter the premises

 - d. security of arrestees
 - e. security of contraband seized
 - f. security of Department equipment
 - g. disposition of children under the age of 18 who may be neglected as a result of an arrest or otherwise
 - h. radio procedures
 - i. Notifications
 - j. post-search premises security
11. Contingency plan

WARRANT STATUS
APPROVED-POST EXECUTION

UNIT COMMANDING OFFICER'S/WATCH COMMANDER'S SIGNATURE
KILROY JR. WILLIAM

STAR NO.
280



UNIT
189 NARCOTIC SECTION

WARRANT TYPE
SEARCH WARRANT

WARRANT NO. : ISSUED DATE
[REDACTED] 12-FEB-2010 16:30

PART II - TO BE COMPLETED FOLLOWING SEARCH WARRANT EXECUTION

COUNTY	RAID NUMBER	DECONFLICTION NO	OPERATION NAME
COOK	[REDACTED]	[REDACTED]	A/2 ANTI-VIOLENCE TASK FORCE
LOCATION DESCRIPTION	SEARCH LOCATION ADDRESS	BEAT OF OCCURRENCE	DISTRICT
RESIDENCE	[REDACTED]	1533	015
SUBJECT'S NAME (LAST-MI FIRST)	SEX	RACE	DATE OF BIRTH I.R.No.

COMMUNICATION OPERATIONS SECTION

NAME	AGENCY	STAR	EMP NO.	ASSIGNMENT TYPE
STEC, J, LAWRENCE	CPD	1980	[REDACTED]	NOTIFICATION AFTER ENTRY MADE BY

WARRANT EXECUTED ? WARRANT EXECUTED DATE
NO X YES 12-FEB-2010 18:10

ARREST MADE?	NO	PROPERTY RECOVERED?	NO	PREMISES TRAPS?	NO
ATTACK DOGS USED?	NO	APARTMENT BARRICADED?	NO	GUNS FOUND?	NO

CASE INFORMATION TURNED OVER TO DRUG & GANG HOUSE PROSECUTION? NO
ADDITIONAL INFORMATION (ANY UNUSUAL CHARACTERISTICS)

RECORD THE NAME AND STAR OF THE RECOVERING OFFICER, A DESCRIPTION OF THE ITEM(S) SEIZED AND THE LOCATION OF DISCOVERY FOR EACH DISTINCT SEIZURE

INVENTORY ID	ITEM ID	PROPERTY TYPE	QUANTITY	DESCRIPTION
--------------	---------	---------------	----------	-------------

WARRANT STATUS	UNIT COMMANDING OFFICER'S/WATCH COMMANDER'S SIGNATURE	STAR NO.	DATE
APPROVED-POST EXECUTION	KILROY JR, WILLIAM	280	12-FEB-10

CONSENT TO SEARCH
CHICAGO POLICE DEPARTMENT
TO BE COMPLETED PRIOR TO SEARCH

UNIT

189

DATE

12 FEB 10

TIME

1945

I, [REDACTED], have been advised of my constitutional
(Print Full Name)
right not to have a search made of the premises/vehicle described below without a search
warrant first being obtained. I have also been advised that I do not have to consent to this warrantless
search unless I wish to do so.

Having been advised that I do not have to consent to a warrantless search, I hereby authorize
and give my consent to McHenna #3942 and O'Toole #15346 who have iden-
(Officer) (Officer)
tified themselves as Chicago Police Officers assigned to the Narcotics Section
(Unit)
to conduct a complete search at this time of the premises/vehicle under my lawful control and
described as [REDACTED]

In addition, I hereby authorize and give my consent to the above named officers to obtain
and remove from the searched premises/vehicle any materials, documents, or other items that
may be used in connection with a legitimate law enforcement purpose:

By my signature on this document, I hereby state and certify that this consent to search is
being given by me to the above named officers knowingly, voluntarily, and without having
received any threats, promises, or duress of any kind.

[Signature]
(SIGNATURE)

WITNESS (NON-DEPARTMENT MEMBER, IF AVAILABLE)

P/O William Murphy #16046
(PRINTED NAME)
[Signature]
(SIGNATURE)

REPORTING MEMBER(S)			
REPORTING MEMBER'S NAME	STAR NO.	EMPLOYEE NO.	SIGNATURE
P/O S. McHenna	3942	[REDACTED]	P.O. S. McHenna 3942
REPORTING MEMBER'S NAME	STAR NO.	EMPLOYEE NO.	SIGNATURE
P/O D. O'Toole	15346	[REDACTED]	D. O'Toole 15346
SUPERVISORY APPROVAL			
SUPERVISOR'S NAME	STAR NO.	SIGNATURE	
Sgt L. S. [REDACTED]	1980	[Signature] 1980	
INCIDENT INFORMATION			
RD NO.	I-UCB CODE	EVENT NO.	NO.
DNA	DNA	[REDACTED]	[REDACTED]

CPD-11.483 (REV. 5/07)

C. R.

ATTACHMENT #

10
1051

CPD 0067699

INV NO

PKG NO 2116213

UNIT

189

INVENTORY NO.

DATE RECOVERED

12-FEB-2010

RD

RE-INVENTORY OF:

ITEM ID QUANTITY

DESCRIPTION OF PROPERTY

OTHER: CONSENT TO SEARCH FORM

COMMENTS:

\$ INVENTORY AMT

Court Date

Court Branch

CURRENCY:

IUCR: 2027

NARCOTICS POSS: CRACK

CHARGE TYPE:

STATE CHARGES:

INCHOATE:

RECOVERED/SEIZED FROM - NAME MC KENNA, SCOTT

AT 4929 W ADAMS ST
CHICAGO, IL 60644

BEAT OF RECOVERY
1533

☐ DECEASED ☐ ARRESTED

OWNER'S NAME MC KENNA, SCOTT Star: 3942

ADDRESS

TELEPHONE NO.

FOUND BY - NAME MC KENNA, SCOTT Star: 3942

ADDRESS

TELEPHONE NO.

☒ CHECK IF
C.P.D.

SEE COPY 4 FOR NOTICE TO FINDER

☒ HOLD FOR INVESTIGATION
AND/OR EVIDENCE INVESTIGATING OFFICER -
O TOOLE, DANIEL
(IF NOT NEEDED FOR INVESTIGATION/EVIDENCE, LEAVE BLANK)

STAR NO.
15346

UNIT
189

1st OFFICER'S NAME
MC KENNA, SCOTT

STAR NO.
3942

SIGNATURE
Electronic Approval

UNIT
189

2nd OFFICER'S NAME
O TOOLE, DANIEL

STAR NO.
15346

SIGNATURE
Electronic Approval

UNIT
189

INITIAL DESTINATION OF PROPERTY:
ERPS

VIA ☒ POLICE MAIL

☐ RECOVERING UNIT PERSONNEL

APPROVING DESK SERGEANT

STAR NO.

DATE

TIME

☐ E & RPS PICKUP

☐ EVID. LAB TECHNICIAN

STFC LAWRENCE

1980

12-FEB-2010

21:25

Created by:

COPY 4 - GIVE OR SEND TO FINDER, ARRESTEE OR OWNER

Printed by: 12-FEB-2010 21:26

Notice to Property Owner or
Claimant

This Property Inventory form is your receipt for property inventoried by the Chicago Police Department ("CPD"). When you received this receipt, you should have also received a form entitled NOTICE TO PROPERTY OWNER OR CLAIMANT (the "Notice") explaining how you may get back inventoried property. If you did not receive the Notice, return to the CPD facility where your property was inventoried and ask Desk Personnel for the Notice. A complete copy of the Notice is also available at www.ChicagoPolice.org. If you have further questions, please contact the CPD Evidence and Recovered Property Section at 312-746-6777.

NOTICE TO FINDER: Lost or Abandoned Property will be treated in accordance with 765 ILCS 1030, which does not provide for a return of found property to the finder.

ARRESTEE INFORMATION

SEIZURE WITHOUT SEARCH WARRANT -
(Ill. Rev. Stat. Chap. 38, Sec. 108-2);
(725 ILCS 5/108-2)

GIVE THIS COPY TO ARRESTEE.

SEIZURE WITH SEARCH WARRANT -
(Ill. Rev. Stat. Chap. 38, Sec. 108-10)
(725 ILCS 5/108-10)
ATTACH THIS COPY TO SEARCH
WARRANT.

C. R.

ATTACHMENT #

1072

INV NO

PKG NO 2116214

UNIT

189

DATE RECOVERED

12-FEB-2010

RE-INVENTORY OF:

DESCRIPTION OF PROPERTY

RD

RD

RE-INVENTORY OF:

UNIT

189

INVENTORY NO.
[REDACTED]

Notice to Property Owner or
Claimant

This Property Inventory form is your receipt for property inventoried by the Chicago Police Department ("CPD"). When you received this receipt, you should have also received a form entitled NOTICE TO PROPERTY OWNER OR CLAIMANT (the "Notice") explaining how you may get back inventoried property. If you did not receive the Notice, return to the CPD facility where your property was inventoried and ask Desk Personnel for the Notice. A complete copy of the Notice is also available at www.ChicagoPolice.org. If you have further questions, please contact the CPD Evidence and Recovered Property Section at 312-746-6777.

\$ INVENTORY AMT

EVIDENCE & RECOVERED PROPERTY SECTION USE ONLY

Court Date

Court Branch

CURRENCY:

ILCS: 2027 NARCOTICS POSS: CRACK

STATE CHARGES:

RECOVERED/SEIZED FROM: NAME O TOOLE, DANIEL

DECEASED ARRESTED

OWNER'S NAME O TOOLE, DANIEL SWF: 15346

ADDRESS

AT 3340 W PULMORE ST
CHICAGO, IL 60624

BEAT OF RECOVERY
1134

TELEPHONE NO

FOUND BY: NAME O TOOLE, DANIEL Star: 15346

CHECK IF

C.P.D.

HOLD FOR INVESTIGATION INVESTIGATING OFFICER -

AND/OR EVIDENCE O TOOLE, DANIEL

(IF NOT NEEDED FOR INVESTIGATION/EVIDENCE, LEAVE BLANK)

PROPERTY AVAILABLE FOR RETURN TO

OWNER

TO BE DISPOSED OF BY CUSTODIAN (NOT TO BE RETURNED)

(THIS APPLIES IF PROPERTY IS NOT EVIDENCE, NOT RETURNABLE AND/OR OWNER IS UNKNOWN)

INITIAL DESTINATION OF PROPERTY:

ERRS

VIA POLICE MAIL

E & S PPS PICKUP

RECOVERING UNIT PERSONNEL

APPROVING DESK SERGEANT

STIC 1 AMBULANCE

SIGNATURE

Electronic Approval

DATE

12-FEB-2010

TIME

21:27

ARRESTEE INFORMATION

SEIZURE WITHOUT SEARCH WARRANT -

(Ill. Rev. Stat. Chap. 38, Sec. 106-2);

1725 ILCS 5/108-2f

GIVE THIS COPY TO ARRESTEE.

SEIZURE WITH SEARCH WARRANT -

(Ill. Rev. Stat. Chap. 38, Sec. 106-10)

1725 ILCS 5/108-10f

ATTACH THIS COPY TO SEARCH

WARRANT.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Elmer Murphy☐ Agent☐ Addressee

B. Received by (Printed Name)

Elmer Murphy

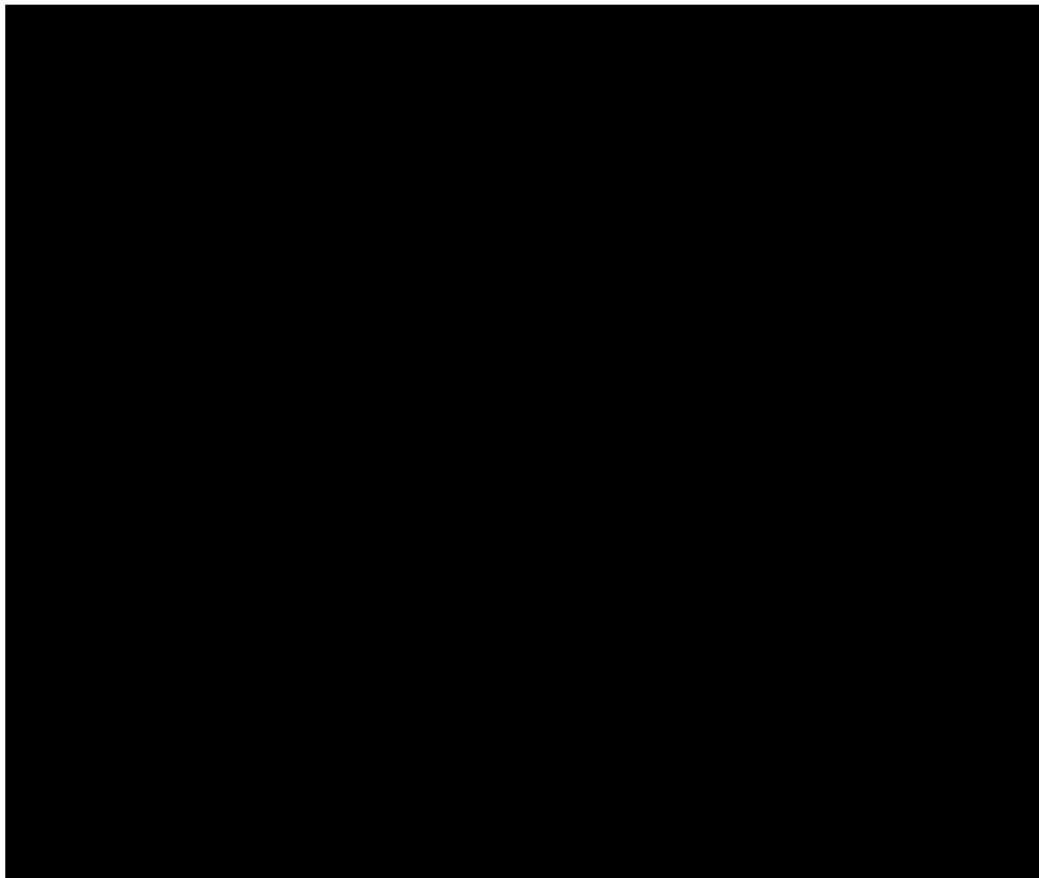
C. Date of Delivery

3-15-12-14D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ YesC. R. 1052279ATTACHMENT # 12

Bureau of Internal Affairs
Investigations Division
General Investigations Section


23 March 2012
CL#1052279


TO: Commanding Officer
Investigations Division
General Investigations Section

FROM: Police Agent Charles BRECKENRIDGE #8099
Investigations Division
General Investigations Section

SUBJECT: Approval of Complaint Log Investigation CL#1052279

The attached Complaint Log investigation has been completed and is submitted for your approval.


Police Agent Charles BRECKENRIDGE #8099
Investigations Division
General Investigations Section

APPROVED:  2493
Case Management Supervisor
Investigations Division
General Investigations Section
23 MAR 2012

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

LOG NO

1052279

TYPE

INFO

DATE OF REPORT

23-MAR-2012

INSTRUCTIONS: To be used in all cases that are to be classified as either **EXONERATED**, **UNFOUNDED**, **NOT SUSTAINED**, **NO AFFIDAVIT**, or in **SUSTAINED** cases where the Disciplinary Recommendation does not exceed **Five (5) DAYS SUSPENSION**.

TO: DEPUTY SUPERINTENDENT, BUREAU OF PROFESSIONAL STANDARDS
ATTENTION: CHIEF, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
BRECKENRIDGE, CHARLES	9174	8099		121	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 4929 W. ADAMS ST, Apt No. APT BA , CHICAGO, IL 60644	DATE / TIME: 12-FEB-2010 14:31	BEAT: 1533
---	---------------------------------------	-------------------

ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
O TOOLE, DANIEL J	9161	15346		189		M / WHI		28-FEB-2000	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
				F /	/

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
				F /	/
				M / BLK	39

WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
------	----------	------------	-----------	------------	-----------

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX

ALLEGATIONS

NOTE: Complaint Log "Type" remains classified as Info – Sworn Affidavit NOT on file.

Accused #1 Police Officer Daniel J. O'TOOLE #15346, Unit 189

Allegation #1 The Reporting Party Attorney [REDACTED] alleged that on 12 February 2010, at 1431 hours, at [REDACTED] the accused illegally searched her client's apartment [REDACTED] without a warrant or permission.

SUMMARY

The Reporting Agent attempted to contact the Reporting Party telephonically and received no response. The Reporting Agent left a message explaining the Sworn Affidavit process and requested that Attorney [REDACTED] contact him as soon as possible (att#4). The Reporting Agent mailed a certified letter as well (att#5). The Reporting Agent received the Domestic Return Receipt signed by the Reporting Party, yet the Reporting Party has failed to contact the Reporting Agent (att#12). It should be noted that the accused officer executed a lawful Search Warrant on the residence located at [REDACTED] on 12 February 2010, at 1810 hours (att#7,8,9). The Reporting Agent only named P.O. O'TOOLE as the accused on the Summary Report Digest because he was named on the Face Sheet (att#1). Multiple officers were involved in the execution of the Search Warrant (att#9). Due to the lack of cooperation from the Reporting Party the Reporting Agent will classify this investigation as "Closed - No Conversion."

ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
None	7,8,9	None	12

FINDINGS - RECOMMENDATIONS

FINDINGS:

Accused #1 Police Officer Daniel J. O'TOOLE #15346, Unit 189

Allegation #1 No Affidavit

RECOMMENDATION:

No disciplinary action warranted.

DATE INITIATED
(Date incident was received for investigation)

07-MAR-2012

DATE COMPLETED (Date of this report)

23-MAR-2012

ELAPSED TIME
(Total time expressed in days)

16

Investigator will initiate the Command Channel Review form by
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

P. A. Chen *Brennan* #8099

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

CPD 0067705

Attachments CL#1052279

No.	Type	No. of Pages	Narrative
1	FACE SHEET		
2	CONFLICT CERTIFICATION		
3	SWORN AFFIDAVIT FROM COMPLAINANT	1	Sworn Affidavit, "Non-Cooperation"
4	ATTEMPT TO CONTACT	1	Attempt to Contact Reporting Party Attorney [REDACTED] Telephonically.
5	LETTER TO ATTORNEY	2	Certified Letter Mailed to Reporting Party Attorney [REDACTED]
6	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	24	Civil Suit, Case [REDACTED]
7	VICE CASE REPORTS	1	Vice Case Report, RD# [REDACTED]
8	SUPPLEMENTAL SUMMARY REPORT	2	Narcotics Supplementary Report, RD# [REDACTED]
9	SEARCH WARRANT	6	Search Warrant [REDACTED]
10	CONSENT TO SEARCH FORM	1	Consent to Search Signed by [REDACTED]
11	INVENTORY SHEET	2	Property Inventories # [REDACTED] and [REDACTED]
12	REPORT (OTHER)	1	Domestic Return Receipt Signed by Reporting Party.